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| APPLICATION NO.               | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|-------------------------------|-------------|------------------------|---------------------------|------------------|
| 10/743,481                    | 12/22/2003  | Carlos M. Esquivia-Lee | CE11068JI220              | 7771             |
| 24273                         | 7590        | 06/28/2007             | EXAMINER                  |                  |
| MOTOROLA, INC                 |             |                        | DABNEY, PHYLESHA LARVINIA |                  |
| INTELLECTUAL PROPERTY SECTION |             |                        | ART UNIT                  | PAPER NUMBER     |
| LAW DEPT                      |             |                        | 2614                      |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|   |                    |                     |
|---|--------------------|---------------------|
| <b>Office Action Summary<br/>for Applications<br/>Under Accelerated Examination</b> | Application No.    | Applicant(s)        |
|   | 10/743,481         | ESQUIVIA-LEE ET AL. |
|   | Examiner           | Art Unit            |
|   | Phylesha L. Dabney | 2614                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Since this application has been granted special status under the accelerated examination program,

**NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,**  
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a *Quayle* action.  
(Examiner: For FINAL actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

#### **Status**

- 1) Responsive to communication(s) filed on 3/26/07.
- 2) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 3) Claim(s) 1-23 is/are pending in the application.
- 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) Claim(s) \_\_\_\_\_ is/are allowed.
- 5) Claim(s) 1-23 is/are rejected.
- 6) Claim(s) \_\_\_\_\_ is/are objected to.
- 7) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 8) The specification is objected to by the Examiner.
- 9) The drawing(s) filed on 3/26/07 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This action is in response to the application filed on 26 March 2007 in which claims 1-23 are pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-9 and 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuhrmann et al (U.S. Patent No. 6,978,123 B1).

Regarding claim 1, Fuhrmann teaches an electronic communication device, comprising: a housing portion (14) for the device including a window opening (15) for a display screen (9); opposite outer and inner surfaces of the housing portion; and at least one audio channel (16) formed along the inner surface of the housing portion allowing the outer surface to be maximized

in size for receipt of graphics thereon; wherein the audio channel is a sound pressure pathway that exits a top or side of the electronic communication device, wherein the top or side of the electronic communication device are substantially perpendicular to the outer surface.

Regarding claim 2, Fuhrmann teaches the device of claim 1 wherein the outer surface includes surface portions (Fig. 1, 14) on opposite sides of the window (9) on which graphics can be received.

Regarding claim 3, Fuhrmann teaches the device of claim 1 including a lens member (15) sized to be slightly larger than the window (9) to be mounted thereover.

Regarding claim 4, Fuhrmann teaches the device of claim 3 wherein the lens member (15) is mounted to the housing portion (14) along the outer surface thereof so that the audio channel (16) is formed independent of the lens member.

Regarding claim 5, Fuhrmann teaches the device of claim 1 wherein the at least one audio channel (16) comprises multiple audio channels (fig. 1, 16, openings), and an audio cover member (2, 3, 10) mounted to the inner surface of the housing portion and cooperating therewith to form the audio channels.

Regarding claim 6, Fuhrmann teaches the device of claim 5 wherein the audio cover member (2, 3, 10) includes recesses formed therein for the audio channels.

Regarding claim 7, Fuhrmann teaches the device of claim 5 wherein the housing portion (14) and audio cover member (2, 3, 10) include snap fit structure (11, 12, 12') therebetween for cooperating to secure the audio cover member to the housing portion.

Regarding claim 8, Fuhrmann teaches the device of claim 5 wherein the housing portion (14) and the audio cover member (2, 3, 10) include heat stake members for welding (fig.3 illustrates perpendicular pins) the audio cover member to the housing portion.

Regarding claim 9, Fuhrmann teaches the device of claim 1 wherein the housing portion (14) includes a plurality of through openings (7') for receipt of keys of a keypad for the device projecting therethrough.

Regarding claim 12, Fuhrmann teaches the device of claim 1 wherein the housing portion comprises a first housing portion (14), and a second housing portion (2, 3) for being connected to the first housing portion to form an internal space of the device in which the audio channel is formed.

Regarding claim 13, Fuhrmann teaches an electronic communication device comprising: a housing (14) for containing communication circuitry and having an external surface and internal surfaces; a window opening (15) in the housing; a display screen (9) aligned with the window opening and connected to the circuitry to display information for viewing by a user; a

speaker (10) in the housing connected to the circuitry for emitting sound based on audio signals from another communication device; at least one audio channel (16) for routing sound from the speaker in a predetermined pathway wherein the audio channel is a sound pressure pathway that exits a top or a side of the electronic communication device, wherein the top or side of the electronic communication device are substantially perpendicular to the external surface; ; and a lens member (15) of transparent material having predetermined dimensions that are kept to a minimum to be slightly larger than that of the window opening for being fixed to the housing external surface about the window opening covering the display screen and maximizing surface area on the housing external surface for receipt of graphics.

Regarding claim 14, Fuhrmann teaches the electronic communication device of claim 13 wherein the audio channel (16) is formed in the housing along one of the internal surfaces thereof leaving the housing external surface substantially free of audio channels.

Regarding claim 15, Fuhrmann teaches the electronic communication device of claim 13 wherein the lens member (15) is independent of the audio channel (16) so that integrity of connection of the lens member to the housing does not affect audio quality from the speaker to the user.

Regarding claim 16, Fuhrmann teaches the electronic communication device of claim 15 wherein the audio channel (16) is in the housing extending along one of the internal surfaces thereof.

Regarding claim 17, Fuhrmann teaches the electronic communication device of claim 13 including an audio cover member (2, 3, 10) for being connected in the housing cooperating to form the audio channel in the housing.

Regarding claim 18, Fuhrmann teaches the electronic communication device of claim 17 wherein the audio cover member (2, 3, 10) includes a recess that cooperates with one of the housing internal surfaces to form the audio channel (16).

Regarding claim 19, Fuhrmann teaches an electronic communication device comprising: a bezel housing portion (14) for the device including a window opening (14-15) for a display screen (19); external and internal surfaces of the bezel housing portion (fig. 3, 14); and an audio cover member (2, 3, 10) having audio channels for being attached to the internal surface of the bezel housing portion to keep the external surface substantially free of audio channels and to allow the bezel housing portion to stay substantially the same and have different audio channeling based on the audio channels included on the cover member (2, 3, 10, 16) attached thereto, wherein the audio channel is a sound pressure pathway that exits a top or side (near 2, 3, 7, 10) of the electronic communication device and the other audio channel exits a side of the electronic communication device, wherein the top or side of the electronic communication device are substantially perpendicular to the external surface.

Regarding claim 20, Fuhrmann teaches the electronic communication device of claim 19

including a lens member (15) having a predetermined size that is kept to a minimum to fit over the window opening for covering the display screen (9).

Regarding claim 21, Fuhrmann teaches the electronic communication device of claim 19 including a lens member (15) fixed to the external surface of the bezel housing portion (14) to cover the display screen (9) with the audio channels (16) formed independent of the lens member.

Regarding claim 22, Fuhrmann teaches the electronic communication device of claim 19 including a speaker, the bezel housing portion (14) includes a through aperture generally aligned with the speaker (10), the audio cover member (2, 3, 10) includes a through port for being aligned between the speaker and housing portion (14) through aperture, and the channels include recesses formed in the audio cover member (2, 3, 10) for releasing excessive sound pressure.

Regarding claim 23, Fuhrmann teaches the electronic communication device of claim 22 wherein the audio cover member (2, 3, 10) includes seals extending about the port and recesses with portions of the recesses unsealed for sound pressure release therefrom.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuhrmann.

Regarding claims 10-11, Fuhrmann teaches the device of claim 1 including audio speakers (7, 10; col. 1 lines 62-64 and col. 3 lines 13-22).

Fuhrmann fails to specifically teach the speakers being low and high wherein the audio channel is associated with the low audio speaker.

However, the Examiner takes official notice that it is known to provide the low speaker at the audio channel in a mobile telephone to prevent hearing impairment to the user when the phone is held close to the ear and increase privacy, as well as, to provide a high speaker for allowing the user to hear audible sound (voice) from a distance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a low and high speaker in the manner disclosed in the invention of Fuhrmann for the reasons stated.

#### ***Response to Arguments***

With regard to the Drawing objections and 112 2<sup>nd</sup> rejections from the previous office action, a telephone interview was conducted on 28 March 2007. It was concurred in the interview that the drawings on record were of such poor quality that a new set would be sent to obviate the objections and rejections. Therefore, the objections and rejections have been removed from this office action due to the submission of new drawings.

With respect to the Applicant's argument that Fuhrmann fails to teach *the audio channel is a pressure pathway that exits a top or a side of the electronic communication device in which*

*the top or side of the electronic communication device are substantially perpendicular to the outer surface*, the Examiner disagrees. Fuhrmann clearly teaches that the audio channel (16) has a defined pressure path (Figures 1-3) as opposed to a fully open (undirected) path for sound passage.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**

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Randolph Building  
401 Dulany Street  
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June 12, 2007

PLD

  
CURTIS KUNZ  
PATENT EXAMINER  
JUN 12 2007